

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ROBERT D. LIPKA,

Plaintiff,

v.

ORDER
03-CV-381

JOHN E. POTTER, Postmaster
General,

Defendant.

This case was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1), on. On April 8, 2005, defendant filed a motion for motion to dismiss and for summary judgment. On March 29, 2006, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendant's motion for summary judgment be granted and the complaint dismissed in its entirety.

Plaintiff filed objections to the Report and Recommendation on April 17, 2006. Oral argument on the objections was held on October 20, 2006.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument

from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendant's motion for summary judgment is granted, and the complaint dismissed in its entirety. The Clerk of Court is directed to close the case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: October 24 , 2006